

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

IN RE THE COMPLAINT OF PACIFIC
NORTHWEST MARINE COMPANY
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY AS
OWNER OF THE M/V KNOT AT WORK.

CASE NO. 3:21-cv-05824-TL

**ORDER DENYING MOTION FOR
ISSUANCE OF AMENDED
MONITION**

Petitioner.

This matter is before the Court on Petitioner’s *Ex Parte* Motion for and Order for Issuance of Amended Monition and Clerk’s Citation (“Motion”). Dkt. No 14. Petitioner requested issuance of an amended monition because Petitioner failed to include a copy of the published notice in the materials mailed to the known potential claimant.

Rule F(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, which is titled “Notice to Claimants,” states:

[T]he court shall issue a notice to all persons asserting claims with respect to which the complaint seeks limitation, admonishing them to file their respective claims with the clerk of the court and to serve on the attorneys for the plaintiff a copy thereof on or before a date to be named in the notice. . . . The notice shall be published in such newspaper or newspapers as the court may direct once a week for four successive weeks

1 prior to the date fixed for the filing of claims. The plaintiff not later than the day of
2 second publication shall also mail a copy of the notice to every person known to have
3 made any claim against the vessel or the plaintiff arising out of the voyage or trip on
4 which the claims sought to be limited arose.

5 Fed. R. Civ. Proc., Supp. AMC, Rule F.

6 After the Court issued the Monition and Clerk's Citation to the U.S. Marshal, Petitioner
7 mailed a copy of the Complaint and Certified Copy of the Order Approving Security Submitted
8 for Limitation Fund and Costs, Directing Monition and Issuing Injunction ("Order") to the
9 known potential claimant, and the required notice was published in accordance with Rule F.
10 Dkt. No. 14 at 1. Petitioner realized that it had not included a copy of the published notice in the
11 materials mailed to the known potential claimant as required by Rule F(4), *id.* at 2, leading to the
12 filing of the Motion. Based upon the Complaint, there is only one known potential claimant in
13 this case. Dkt. No. 1 at ¶ 7.

14 On January 25, 2022, Randy Kindsfater, the single known potential claimant, filed an
15 Answer to Petitioner's complaint and raised claims for damages. Dkt. No. 17. In the Answer,
16 Claimant does not challenge the sufficiency of the notice received per Rule F(4).

17 Pursuant to Rule F, the Order (which was mailed to the known potential claimant)
18 includes the same information as the public notice published in the newspaper. Petitioner's
19 request for an amended monition is intended to cure any potential defect in notice to the known
20 potential claimant. However, the single known potential claimant clearly received notice as he
21 has filed an Answer to Petitioner's Complaint.

22 Since the single known potential claimant received the same information that is published
23 in the newspaper, which is the purpose of Rule F(4), the Court sees no reason to delay the case
24 by restarting the monition process. The Court DENIES Petitioner's request for issuance of an
amended monition as moot.

1 Dated this 3rd day of February 2022.

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Tana Lin
United States District Judge